IN THE HIGH COURT OF UTTARANCHAL AT NAINTIAL

WRIT PETITION NO. 827 (MS) OF 2006

1. Dinesh Singh,
   S/o Shri Avadh Bahadur Singh,
   R/o 53/17, Rajpur Road, Dehradun.
2. Shri Tej Pal Pundir, S/o Shri Surat Singh,
   R/o 53/11-2, Rajpur Road, Dehradun.

...Petitioners.

Versus

1. Court of 1st Additional Civil Judge (Jr. Div.), Dehradun.
2. Km. Poornima Pathak, D/o Shri M.L. Pathak, R/o 5, Bakralwala, Nesh Villa Road, Dehradun.
3. Shri Rohit Kumar, S/o Shri M.L. Pathak, R/o 53, Rajpur Road, Dehradun. .....Respondents.

Dated: 01.07.2006

Hon'ble Rajesh Tandon, J.

Heard Sri B.P.S. Mer, Advocate for the petitioners and Standing Counsel for the respondent no. 1.

By the present writ petition, the petitioners have prayed for a writ of mandamus directing the Addl. Civil Judge (Jr. Div.), Dehradun to decide the suit No. 223 of 2002 Km. Poornima Pathak Vs. Shri Dinesh Singh and others expeditiously.

Petitioners have submitted that the suit has been filed for declaration in favour of the plaintiff as well as for permanent injunction from encroaching over the property in dispute or raising any construction thereon.

The petitioners have submitted that they are suffering huge loss on account of the pendency of the suit.

However, looking to the grievance of the petitioners, the authority concerned is directed to dispose of the suit No. 223

of 2002 within a period of six months from the date of production of the certified copy of the order.

Subject to the aforesaid observations, writ petition is disposed of.

(Rajesh Tandon, J.)

01.07.2006
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